IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NFL PROPERTIES LLC, and PITTSBURGH STEELERS SPORTS, INC.,	
Plaintiffs,	No. 05-0067
v.	ELECTRONICALLY FILED
NICHOLAS WOHLFARTH and JENNIFER WOHLFARTH D/B/A TURTLE CREEK SPORTSWEAR,	
Defendants.	

DECLARATION OF JEFFREY KLINK

Jeffrey Klink declares:

1. I am a licensed attorney and private investigator in the Commonwealth of Pennsylvania. I am a former Assistant District Attorney and Assistant United States Attorney.

2. On December 22, 2010, I visited two Shop 'n Save store locations in the South Hills suburban areas of Pittsburgh, Pennsylvania to determine whether unauthorized merchandise bearing trademarks used to identify the Pittsburgh Steelers was being offered for sale, and if so, to document that fact.

3. I visited the Shop 'n Save store in Bridgeville, located at 3239 Washington Pike, Bridgeville, Pennsylvania, 15017 at approximately 2:00 p.m. The store is a large, modern grocery retail store. Inside the store are multiple consumer food and other products being offered for sale by Shop 'n Save, a small PNC Bank retail branch, and a Pennsylvania Liquor Control Board store offering wine and spirits.

4. I toured the entire store to determine whether any merchandise bearing Pittsburgh Steelers trademarks was being offered for sale.

5. Directly outside the Shop 'n Save floral department, I located two racks of such merchandise. Among the merchandise being offered for sale were approximately sixty black and gold T-shirts bearing the name of Steelers player Hines Ward, and which showed Mr. Ward in his Steelers uniform. The price of the T-shirt was $5. There were also approximately six to eight gray sweatshirts emblazoned with "PITTSBURGH" with the Steelers circular hypocycloid diamonds logo. I also noticed another six black sweatshirts which had a full-length front zipper and were emblazoned with "PITTSBURGH" inside the circular hypocycloid diamonds logo, and approximately five yellow fleeces bearing "43" inside the same logo. The sweatshirts and fleeces were being offered for sale for $19.99. Each of the items described above, except for the $5 T-shirts, bore labels featuring a Turtle Creek logo and some of those labels included a small disclaimer that the items were not licensed or endorsed by the NFL.

6. I purchased one of each of the different styles I described above, took them to my office, and took photographs of them. These photos are attached as Exhibit A.

7. At approximately 5:00 p.m. I visited the Shop 'n Save store at 5001 Library Road, Bethel Park, Pennsylvania 15102. I toured the entire store to determine whether any merchandise bearing Pittsburgh Steelers trademarks was being offered for sale.

8. I located two racks of such merchandise. Among the merchandise being offered for sale were approximately 20 sweatshirts in several styles. One was a black hooded sweatshirt with "PITTSBURGH" in large letters emblazoned on the chest. The last few letters overlap with a large circular logo containing the Steelers' hypocycloid diamonds. Another was a black

hooded sweatshirt with a full-length zipper in the front. This one had a smaller version of the "PITTSBURGH" letters and hypocycloid diamonds on the chest in an upper corner. A third design was a hoodless yellow fleece with a half-zipper in the front. This fleece featured a circle surrounding the Steelers hypocycloid diamonds logo, with the word "PITTSBURGH" running across the circle. The last design I noticed was a yellow hooded sweatshirt. This one featured a large image of Steelers player Hines Ward in his Pittsburgh Steelers uniform across the chest. Overlapping the image of Mr. Ward was a large number "86" and below that number were the words "PSYCHO WARD." Adjacent to the image of Mr. Ward was another circular logo containing both the Steelers hypocycloid diamonds and the word "PITTSBURGH." I purchased one of these "PSYCHO WARD" sweatshirts for $19.99. Each of the items described above featured Turtle Creek labels prominently displayed. Photos of these are attached as Exhibit B.

9. The racks containing these items were closer to the front of the store, and were located near a smaller rack which had licensed Pittsburgh Steelers and Pittsburgh Penguins merchandise for sale. A photo of the licensed goods being offered for sale is attached as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 30th, 2010.

Jeffrey Klink